

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

RAY ANN PHIFER,

Plaintiff,

USDC No. \_\_\_\_\_

v

Lower Court No.: 22-010457-NO  
Honorable Charles S. Hegarty

THE HOME DEPOT, INC.,

Defendant.

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**NOTICE OF FILING NOTICE OF REMOVAL (FEDERAL COURT)**

**NOTICE OF REMOVAL OF CAUSE TO THE  
UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

**NOTICE OF FILING NOTICE OF REMOVAL (CIRCUIT COURT)**

Ridley S. Nimmo, II (P54783)  
PLUNKETT COONEY  
Attorneys for Defendant  
111 E. Court Street, Suite 1B  
Flint, MI 48502  
(810) 342-7010 / (810) 232-3159 fax  
[rnimmo@plunkettcooney.com](mailto:rnimmo@plunkettcooney.com)

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

RAY ANN PHIFER,

Plaintiff,

USDC No. \_\_\_\_\_

v

Lower Court No.: 22-010457-NO  
Honorable Charles S. Hegarty

THE HOME DEPOT, INC.,

Defendant.

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**NOTICE OF REMOVAL FOR CAUSE TO THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

NOW COMES Defendant, properly known as Home Depot U.S.A., Inc. [hereinafter “Defendant”], by and through its attorneys, Plunkett Cooney, and pursuant to 28 U.S.C.A. §§ 1332, 1441 and 1446, hereby file this Notice of Removal of the above-captioned matter to the United States District Court for the Eastern District of Michigan, Southern Division from the Wayne County Circuit Court where the action is now pending and states as follows:

1. The above-captioned matter was filed in Wayne County Circuit Court on or about September 1, 2022, and is now pending in that court.
2. Defendant first received a copy of the Summons and Complaint in this matter on or about September 12, 2022.
3. The above-captioned matter is a suit at common law of a civil nature

brought by the Plaintiff, Ray Ann Phifer, in which Plaintiff's Complaint seeks monetary damages in excess of \$25,000, exclusive of costs and interest, for injuries Plaintiff alleges are serious and ongoing.

4. The above-captioned matter involves a controversy which is wholly between citizens of different states in that at the time of the commencement of this action in Wayne County Circuit Court, the Plaintiff was a citizen of the State of Michigan, and the Defendant Home Depot USA, Inc., was, and still is, a foreign corporation under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia.

5. This action is one over which the District Courts of the United States are given original jurisdiction.

6. The time within which Defendant is required to file this Notice of Removal to Federal Court has not yet expired.

7. According to Plaintiff's Complaint, attached as Exhibit A, Plaintiff seeks to recover damages in excess of \$25,000, exclusive of interest and costs in this matter, for injuries Plaintiff alleges are significant and serious requiring surgery, and ongoing. Further, Plaintiff's counsel has also advised that the amount in controversy exceeds \$75,000.00 in this case.

8. Defendant files with this Notice a copy of the court pleadings served upon Defendant in this action. (See **Exhibit A**).

9. This action is removable to this Court under and by virtue of the acts of Congress of the United States.

10. Defendant has served written notice of the filing of this Notice as required by 28 U.S.C.A. § 1446(d).

11. A copy of this Notice will be filed with the Clerk of the Wayne County Circuit Court, as required by 28 U.S.C.A. § 1446(d).

WHEREFORE, Defendant respectfully requests that it may effectuate removal of this action from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division and that this action proceed in this Court as an action properly removed.

Respectfully submitted,

PLUNKETT COONEY

/s/Ridley S. Nimmo, II

RIDLEY S. NIMMO, II (P54783)

Attorneys for Defendant

111 E. Court Street, Suite 1B

Flint, MI 48502

(810) 342-7010

[rnimmo@plunkettcooney.com](mailto:rnimmo@plunkettcooney.com)

Date: October 10, 2022

**CERTIFICATE OF SERVICE**

STEPHANIE L. INTERMAGGIO, being first duly sworn, deposes and says that she is employed by PLUNKETT COONEY, and that on October 10, 2022, she served a copy of Notice of Filing Removal, Notice of Removal to Federal Court and Certificate of Service upon all counsel of record by electronically filing the foregoing paper with the United States District Court e-file system which will send notification of such filing. Further, I declare that the above statements are true to the best of my knowledge, information and belief.

*/s/ Stephanie L. Intermaggio*

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Stephanie L. Intermaggio

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT OF WAYNE COUNTY**

RAY ANN PHIFER,

Plaintiff,

22-010457-NO

-vs-

Honorable Charles S. Hegarty

HOME DEPOT U.S.A., INC.,

Defendant.

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EDWARDS & JENNINGS, PC  
CARL R. EDWARDS (P24952)  
ALICE B. JENNINGS (P29064)  
Attorneys for Plaintiff  
3031 West Grand Boulevard, Ste 435  
Detroit, MI 48202  
(313) 961-5000  
[ajennings@edwardsjennings.com](mailto:ajennings@edwardsjennings.com)

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PLUNKETT COONEY  
RIDLEY S. NIMMO, II (P54783)  
Attorneys for Defendant  
111 E. Court Street, Suite 1B  
Flint, MI 48502  
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**NOTICE OF FILING REMOVAL  
WITH THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1441, Defendant, properly known as Home Depot U.S.A., Inc., hereby files its Notice of Removal, a copy of which is attached hereto and which was filed with the United States District Court, Eastern District of Michigan, Southern Division, on October 10, 2022.

PLUNKETT COONEY

/s/ Ridley S. Nimmo, II

RIDLEY S. NIMMO, II (P54783)

Attorneys for Defendant

111 E. Court Street, Suite 1B

Flint, MI 48502

(810) 342-7010

[rnimmo@plunkettcooney.com](mailto:rnimmo@plunkettcooney.com)

Dated: October 10, 2022

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*/s/ Stephanie L. Intermaggio*

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Stephanie L. Intermaggio

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